

ASSEMBLY BILL

No. 292

**Introduced by Assembly Member Yee
(Coauthors: Assembly Members Diaz and Spitzer)**

February 6, 2003

An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to translators and interpreters.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as introduced, Yee. Translators and interpreters: prohibition on use of children.

Existing law requires, and in some instances permits, the use of translators or interpreters by various agencies, organizations, or entities for non-English-speaking persons in connection with various functions.

This bill would provide that a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the

business or function of that agency, organization, entity, or program, except as specified, and would require each agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for translation services that does not involve the use of children.

This bill would also provide that a violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program and would establish requirements for the reinstatement of funding.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In cases in which parents are monolingual and non-English
4 speakers, it has become all too common for service providers to
5 use children as translators for their parents. Nongovernmental
6 agencies, state agencies, hospitals, clinics, and law enforcement
7 agencies have all used children as translators, often because the use
8 of children provides an immediate solution to communication
9 problems with the children's non-English-speaking parents.

10 (b) Children should not be exposed to discussions and
11 information that is often beyond their comprehension, or to
12 discussions and information that are inappropriate for, or
13 unseemly to, children.

14 (c) The involvement of children as translators is difficult, both
15 for the children and for the associated adults, and may lead to an
16 agency, organization, entity, or program being misinformed as a
17 result of a child's ignorance or shame. The involvement of children
18 as translators can also be traumatizing to the children.

19 (d) It is the intent of the Legislature to prohibit the use of
20 children as translators by any state or local governmental agency,
21 or any agency, organization, entity, or program that is supported
22 by state funding.

23 SEC. 2. Section 36 is added to the Business and Professions
24 Code, to read:



36. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 3. Section 21.5 is added to the Civil Code, to read:

21.5. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing that state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 4. Section 33.5 is added to the Code of Civil Procedure, to read:

33.5. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only

1 to routine matters, such as the hours of operation of the agency,
2 organization, entity, or program.

3 SEC. 5. Article 8 (commencing with Section 95) is added to
4 Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code,
5 to read:

6
7 Article 8. Translators and Interpreters
8

9 95. (a) Subject to subdivision (d), a state or local
10 governmental agency, or a public or private agency, organization,
11 entity, or program that is supported by state funding, shall not use
12 any child, or permit any child to be used, as a translator or
13 interpreter in any matter involving the business or function of that
14 agency, organization, entity, or program, and shall have in place,
15 and available for inspection, an established procedure for
16 translation services that does not include the use of children.

17 (b) A violation of this section by a nongovernmental public or
18 private agency, organization, entity, or program that is supported
19 by state funding shall result in the loss of state funding to, or the
20 cancellation of state contracts with, that agency, organization,
21 entity, or program.

22 (c) State funding or any contract terminated pursuant to
23 subdivision (b) shall not be reinstated until the agency,
24 organization, entity, or program has done both of the following:

25 (1) Terminated the use of children as translators or interpreters.

26 (2) Adopted a formal policy statement that children will not be
27 utilized as translators or interpreters by the agency, organization,
28 entity, or program.

29 (d) This section shall not apply to situations in which a child is
30 used to translate matters not involving the business or function of
31 the agency, organization, entity, or program, and that relate only
32 to routine matters, such as the hours of operation of the agency,
33 organization, entity, or program.

34 SEC. 6. Section 755.6 is added to the Evidence Code, to read:

35 755.6. (a) Subject to subdivision (d), a state or local
36 governmental agency, or a public or private agency, organization,
37 entity, or program that is supported by state funding, shall not use
38 any child, or permit any child to be used, as a translator or
39 interpreter in any matter involving the business or function of that
40 agency, organization, entity, or program, and shall have in place,

1 and available for inspection, an established procedure for
2 translation services that does not include the use of children.

3 (b) A violation of this section by a nongovernmental public or
4 private agency, organization, entity, or program that is supported
5 by state funding shall result in the loss of state funding to, or the
6 cancellation of state contracts with, that agency, organization,
7 entity, or program.

8 (c) State funding or any contract terminated pursuant to
9 subdivision (b) shall not be reinstated until the state agency
10 providing the state funding has determined that the agency,
11 organization, entity, or program has done both of the following:

12 (1) Terminated the use of children as translators or interpreters.

13 (2) Adopted a formal policy statement that children will not be
14 utilized as translators or interpreters by the agency, organization,
15 entity, or program.

16 (d) This section shall not apply to situations in which a child is
17 used to translate matters not involving the business or function of
18 the agency, organization, entity, or program, and that relate only
19 to routine matters, such as the hours of operation of the agency,
20 organization, entity, or program.

21 SEC. 7. Part 8 (commencing with Section 296) is added to
22 Division 2 of the Family Code, to read:

23
24 PART 8. TRANSLATORS AND INTERPRETERS
25

26 296. (a) Subject to subdivision (d), a state or local
27 governmental agency, or a public or private agency, organization,
28 entity, or program that is supported by state funding, shall not use
29 any child, or permit any child to be used, as a translator or
30 interpreter in any matter involving the business or function of that
31 agency, organization, entity, or program, and shall have in place,
32 and available for inspection, an established procedure for
33 translation services that does not include the use of children.

34 (b) A violation of this section by a nongovernmental public or
35 private agency, organization, entity, or program that is supported
36 by state funding shall result in the loss of state funding to, or the
37 cancellation of state contracts with, that agency, organization,
38 entity, or program.

39 (c) State funding or any contract terminated pursuant to
40 subdivision (b) shall not be reinstated until the state agency

1 providing the state funding has determined that the agency,
2 organization, entity, or program has done both of the following:

3 (1) Terminated the use of children as translators or interpreters.

4 (2) Adopted a formal policy statement that children will not be
5 utilized as translators or interpreters by the agency, organization,
6 entity, or program.

7 (d) This section shall not apply to situations in which a child is
8 used to translate matters not involving the business or function of
9 the agency, organization, entity, or program, and that relate only
10 to routine matters, such as the hours of operation of the agency,
11 organization, entity, or program.

12 SEC. 8. Section 27 is added to the Government Code, to read:

13 27. (a) Subject to subdivision (d), a state or local
14 governmental agency, or a public or private agency, organization,
15 entity, or program that is supported by state funding, shall not use
16 any child, or permit any child to be used, as a translator or
17 interpreter in any matter involving the business or function of that
18 agency, organization, entity, or program, and shall have in place,
19 and available for inspection, an established procedure for
20 translation services that does not include the use of children.

21 (b) A violation of this section by a nongovernmental public or
22 private agency, organization, entity, or program that is supported
23 by state funding shall result in the loss of state funding to, or the
24 cancellation of state contracts with, that agency, organization,
25 entity, or program.

26 (c) State funding or any contract terminated pursuant to
27 subdivision (b) shall not be reinstated until the state agency
28 providing the state funding has determined that the agency,
29 organization, entity, or program has done both of the following:

30 (1) Terminated the use of children as translators or interpreters.

31 (2) Adopted a formal policy statement that children will not be
32 utilized as translators or interpreters by the agency, organization,
33 entity, or program.

34 (d) This section shall not apply to situations in which a child is
35 used to translate matters not involving the business or function of
36 the agency, organization, entity, or program, and that relate only
37 to routine matters, such as the hours of operation of the agency,
38 organization, entity, or program.

39 SEC. 9. Section 29 is added to the Health and Safety Code, to
40 read:

29. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 10. Section 49 is added to the Insurance Code, to read:

49. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 11. Section 30 is added to the Labor Code, to read:

30. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 12. Section 24.5 is added to the Penal Code, to read:

24.5. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 13. Chapter 5 (commencing with Section 1070) is added to Part 1 of Division 3 of the Probate Code, to read:

CHAPTER 5. TRANSLATORS AND INTERPRETERS

1070. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported

1 by state funding shall result in the loss of state funding to, or the
2 cancellation of state contracts with, that agency, organization,
3 entity, or program.

4 (c) State funding or any contract terminated pursuant to
5 subdivision (b) shall not be reinstated until the state agency
6 providing the state funding has determined that the agency,
7 organization, entity, or program has done both of the following:

8 (1) Terminated the use of children as translators or interpreters.

9 (2) Adopted a formal policy statement that children will not be
10 utilized as translators or interpreters by the agency, organization,
11 entity, or program.

12 (d) This section shall not apply to situations in which a child is
13 used to translate matters not involving the business or function of
14 the agency, organization, entity, or program, and that relate only
15 to routine matters, such as the hours of operation of the agency,
16 organization, entity, or program.

17 SEC. 14. Section 22 is added to the Unemployment Insurance
18 Code, to read:

19 22. (a) Subject to subdivision (d), a state or local
20 governmental agency, or a public or private agency, organization,
21 entity, or program that is supported by state funding, shall not use
22 any child, or permit any child to be used, as a translator or
23 interpreter in any matter involving the business or function of that
24 agency, organization, entity, or program, and shall have in place,
25 and available for inspection, an established procedure for
26 translation services that does not include the use children.

27 (b) A violation of this section by a nongovernmental public or
28 private agency, organization, entity, or program that is supported
29 by state funding shall result in the loss of state funding to, or the
30 cancellation of state contracts with, that agency, organization,
31 entity, or program.

32 (c) State funding or any contract terminated pursuant to
33 subdivision (b) shall not be reinstated until the state agency
34 providing the state funding has determined that the agency,
35 organization, entity, or program has done both of the following:

36 (1) Terminated the use of children as translators or interpreters.

37 (2) Adopted a formal policy statement that children will not be
38 utilized as translators or interpreters by the agency, organization,
39 entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.

SEC. 15. Section 26.5 is added to the Welfare and Institutions Code, to read:

26.5. (a) Subject to subdivision (d), a state or local governmental agency, or a public or private agency, organization, entity, or program that is supported by state funding, shall not use any child, or permit any child to be used, as a translator or interpreter in any matter involving the business or function of that agency, organization, entity, or program, and shall have in place, and available for inspection, an established procedure for translation services that does not include the use of children.

(b) A violation of this section by a nongovernmental public or private agency, organization, entity, or program that is supported by state funding shall result in the loss of state funding to, or the cancellation of state contracts with, that agency, organization, entity, or program.

(c) State funding or any contract terminated pursuant to subdivision (b) shall not be reinstated until the state agency providing the state funding has determined that the agency, organization, entity, or program has done both of the following:

(1) Terminated the use of children as translators or interpreters.

(2) Adopted a formal policy statement that children will not be utilized as translators or interpreters by the agency, organization, entity, or program.

(d) This section shall not apply to situations in which a child is used to translate matters not involving the business or function of the agency, organization, entity, or program, and that relate only to routine matters, such as the hours of operation of the agency, organization, entity, or program.